



General Assembly

January Session, 2017

Raised Bill No. 980

LCO No. 4830



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING A VICTIM'S RIGHT TO BE REASONABLY
PROTECTED FROM THE ACCUSED.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 29-36k of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2017*):

4 (b) Immediately, but in no event more than twenty-four hours after
5 notice has been provided to a person subject to a restraining or
6 protective order or a foreign order of protection, such person shall (1)
7 transfer any pistol, revolver or other firearm or ammunition which
8 such person then possesses to a federally licensed firearms dealer
9 pursuant to the sale of the pistol, revolver or other firearm or
10 ammunition to the federally licensed firearms dealer, or (2) deliver or
11 surrender such pistols and revolvers and other firearms and
12 ammunition to the Commissioner of Emergency Services and Public
13 Protection, provided a local police department may accept such pistols,
14 revolvers, other firearms and ammunition on behalf of said
15 commissioner. Not later than seven days after a person who is subject

16 to such restraining or protective order or foreign order of protection
17 transfers, delivers or surrenders such pistols, revolvers and other
18 firearms and ammunition in accordance with the provisions of this
19 subsection, or fails to comply with said provisions, the commissioner
20 shall notify any person protected by any such order of the status of
21 such compliance. For the purposes of this section, a "person subject to a
22 restraining or protective order or a foreign order of protection" means
23 a person who knows that such person is subject to (A) a restraining or
24 protective order of a court of this state that has been issued against
25 such person, after notice has been provided to such person, in a case
26 involving the use, attempted use or threatened use of physical force
27 against another person, or (B) a foreign order of protection, as defined
28 in section 46b-15a, that has been issued against such person in a case
29 involving the use, attempted use or threatened use of physical force
30 against another person.

31 Sec. 2. Subsection (g) of section 54-56l of the general statutes is
32 repealed and the following is substituted in lieu thereof (*Effective*
33 *October 1, 2017*):

34 (g) Any person who enters the program shall agree: (1) To the
35 tolling of the statute of limitations with respect to such crime or
36 violation; (2) to a waiver of such person's right to a speedy trial; (3) to
37 immediately transfer, deliver or surrender any pistol, revolver or other
38 firearm or ammunition as provided in section 29-36k, as amended by
39 this act; and [(3)] (4) to any conditions that may be established by the
40 division concerning participation in the supervised diversionary
41 program including conditions concerning participation in meetings or
42 sessions of the program.

43 Sec. 3. Subsection (b) of section 54-56e of the general statutes is
44 repealed and the following is substituted in lieu thereof (*Effective*
45 *October 1, 2017*):

46 (b) The court may, in its discretion, invoke such program on motion

47 of the defendant or on motion of a state's attorney or prosecuting
48 attorney with respect to a defendant (1) who, the court believes, will
49 probably not offend in the future, (2) who has no previous record of
50 conviction of a crime or of a violation of section 14-196, subsection (c)
51 of section 14-215, section 14-222a, subsection (a) or subdivision (1) of
52 subsection (b) of section 14-224, section 14-227a or 14-227m or
53 subdivision (1) or (2) of subsection (a) of section 14-227n, and (3) who
54 states under oath, in open court or before any person designated by the
55 clerk and duly authorized to administer oaths, under the penalties of
56 perjury, (A) that the defendant has never had such program invoked
57 on the defendant's behalf or that the defendant was charged with a
58 misdemeanor or a motor vehicle violation for which a term of
59 imprisonment of one year or less may be imposed and ten or more
60 years have passed since the date that any charge or charges for which
61 the program was invoked on the defendant's behalf were dismissed by
62 the court, or (B) with respect to a defendant who is a veteran, that the
63 defendant has not had such program invoked in the defendant's behalf
64 more than once previously. [provided the defendant shall agree
65 thereto and provided notice has been given by the defendant] The
66 court shall designate the state's attorney or prosecuting attorney to
67 provide notice, on a form prescribed by the Office of the Chief Court
68 Administrator, of the defendant's application for participation in such
69 program, to the victim or victims of such crime or motor vehicle
70 violation, if any, by registered or certified mail and such victim or
71 victims have an opportunity to be heard [thereon] on such application.
72 Any defendant who makes application for participation in such
73 program shall pay to the court an application fee of thirty-five dollars.
74 No defendant shall be allowed to participate in the pretrial program
75 for accelerated rehabilitation more than two times. For the purposes of
76 this section, "veteran" means any person who was discharged or
77 released under conditions other than dishonorable from active service
78 in the armed forces as defined in section 27-103.

79 Sec. 4. Subsection (a) of section 54-85b of the general statutes is

80 repealed and the following is substituted in lieu thereof (*Effective*
81 *October 1, 2017*):

82 (a) An employer shall not deprive an employee of employment,
83 penalize or threaten or otherwise coerce an employee with respect to
84 employment, because (1) the employee obeys a legal subpoena to
85 appear before any court of this state as a witness in any criminal
86 proceeding, (2) the employee attends a court proceeding or
87 participates in a police investigation related to a criminal case in which
88 the employee is a crime victim, or attends or participates in a court
89 proceeding related to a civil case in which the employee is a victim of
90 family violence, as defined in section 46b-38a, (3) a restraining order
91 has been issued on the employee's behalf pursuant to section 46b-15,
92 (4) a protective order has been issued on the employee's behalf by a
93 court of this state [or by a court of another state, provided if issued by
94 a court of another state, the protective order shall be registered in this
95 state pursuant to] pursuant to section 46b-38c, (5) a foreign order of
96 protection has been issued on the employee's behalf by a court of
97 another state in accordance with section 46b-15a, [or (5)] (6) a standing
98 criminal protective order has been issued on the employee's behalf
99 pursuant to section 53a-40e, (7) a civil protection order has been issued
100 on the employee's behalf pursuant to section 46b-16a, or (8) the
101 employee is a victim of family violence, as defined in section 46b-38a.
102 For the purposes of this section, "crime victim" means an employee
103 who suffers direct or threatened physical, emotional or financial harm
104 as a result of a crime or an employee who is an immediate family
105 member or guardian of (A) a person who suffers such harm and is a
106 minor, physically disabled, as defined in section 46a-51, or
107 incompetent, or (B) a homicide victim.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2017</i>	29-36k(b)
Sec. 2	<i>October 1, 2017</i>	54-56l(g)

Sec. 3	<i>October 1, 2017</i>	54-56e(b)
Sec. 4	<i>October 1, 2017</i>	54-85b(a)

Statement of Purpose:

To provide notice to a person protected by a restraining or protective order or foreign order of protection as to whether the subject of such order has transferred, delivered or surrendered any pistols, revolvers and other firearms or ammunition as required by law, to cause a person entering the pretrial supervised diversionary program for persons with psychiatric disabilities to immediately transfer, deliver or surrender any pistols, revolvers and other firearms or ammunition, to require a designated party, other than the defendant, to notify the victim of a crime for which the defendant applies for accelerated pretrial rehabilitation and to provide increased employment protections for employees when any order of protection has been ordered on behalf of the employee.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]